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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/650,373   | 08/28/2003  | David J. Mansfield   | D-4097C             | 7662             |
| 7590   | 03/23/2005  |                      | EXAMINER            |                  |
| Joseph P. Sullivan<br>1 New Bond Street<br>Box No. 15138<br>Worcester, MA 01615-0138 |             |                      | ROSE, ROBERT A      |                  |
|  |             |                      | ART UNIT            | PAPER NUMBER     |
|  |             |                      | 3723                |                  |

DATE MAILED: 03/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 10/650,373             | MANSFIELD ET AL.    |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | Robert Rose            | 3723                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 December 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### DETAILED ACTION

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3-4, 7-11, 13, and 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnston in view of Vosbikian. Johnston discloses a sanding system comprising substantially all of the subject matter set forth in applicant's claims above, except for the recitation of the retaining means having a plurality of projections to pierce the sides of the deformable pad through the groove in the pad. Note in figures 1-9: rectangular backing plate(16); handle(11); deformable sanding pad(20) with grooves formed along it's sides; and retaining means(16)(16a) with L-shaped cross-section. projections(34) which engage the lateral sides of the sanding pad to secure it in place. While no projections extend from the ends of the L-shaped cross-sections, it is known in the wiping implement art, as taught by Vosbikian, to provide such projections(19) to aid in securing the pad to the support by piercing the sides of the deformable pad in the region of it's grooves. To provide such projections on the ends of the L-shaped retaining means in Johnston to aid in securing the pad against inadvertent pullout would have been obvious in view of Vosbikian. With regard to claim 11, the handle of Johnston may be regarded as pole shaped. With regard to claim 19, the pad of

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Johnston comprises two materials: the sanding surface, and the underlying shaped deformable support.

3. Claims 2, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnston in view of Vosbikian and further in view of Beaudry et al. To make the sanding pad of a resilient open-celled foam product such as polyurethane to allow the tool to better conform to the shape of the work surfaces for improved removal would have been obvious in view of Beaudry et al.

4. Claims 5-6, and 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnston in view Vosbikian and further in view of Pascallon(French No. 2620367). To make the various sanding surfaces of Johnston with different sanding characteristics for selective use of portions of the tool depending upon the condition of the work surface would have been obvious in view of Pascallon.

5. Applicant's arguments filed December 16, 2004 have been fully considered but they are not persuasive. The backing plate in Johnson is defined by element (16) which is generally rectangular in shape, and has a pair of retaining means(16)(16a) which are L-shaped in cross section. Deformable sanding pad(20) has parallel grooves formed along it's sides which cooperate with the retaining means to engage the lateral sides of the sanding pad to secure it in place. While no projections extend from the ends of the L-shaped cross-sections, it is known in the wiping implement art, as taught by Vosbikian, to provide such projections(19) to aid in securing a1pad to a support by piercing the sides of the deformable pad in the region of it's grooves. To provide such projections on the ends of the L-shaped retaining means in Johnston to aid in securing

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the pad against inadvertent pullout would have been obvious in view of Vosbikian.

Contrary to Applicant's remarks, Vosbikian is from analogous art because it is directed to securing a grooved pad within its support, and teaches the expediency of providing projections on the support to bite into the pad, and prevent slippage. Beaudry et al, and Pascallon were applied for the respective teachings of making the sanding pad of a resilient open-celled foam product, and of to make the various sanding surfaces of Johnston with different sanding characteristics for selective use of portions of the tool, respectively.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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7. Any inquiry concerning this communication should be directed to Robert Rose at telephone number (703) 308-1360.

rr

March 16, 2005.

A handwritten signature in black ink, appearing to read "Robert A. Rose".

**ROBERT A. ROSE**  
**PRIMARY EXAMINER**  
**ART UNIT 323**